



67/3851

PATENT  
Customer No. 22,852  
Attorney Docket No. 07303.0035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alex Ka Tim POON

Application No.: 09/832,990 ✓

Filed: April 12, 2001 ✓

For: POSITIONING DEVICE AND  
EXPOSURE APPARATUS  
INCLUDING THE SAME

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)  
) Group Art Unit: 2851

)  
) Examiner: H. Nguyen  
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Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated September 4, 2002, the Examiner required  
restriction under 35 U.S.C. § 121 between:

Group I - Claims 1-56, characterized by the Examiner as being drawn  
to an exposure apparatus and a device for positioning a  
wafer table; and

Group II - Claims 57-72, characterized by the Examiner as being  
drawn to a structure for moving a wafer table.

Applicant provisionally elects to prosecute Group II, claims 57-72, characterized  
by the Examiner as being drawn to a structure for moving a wafer table.

Applicant, however, traverses the restriction requirement because the Examiner  
has failed to demonstrate that the alleged combination and subcombination are distinct.

See M.P.E.P. § 806.05(c). After characterizing Groups I and II as combination and  
subcombination, the Examiner alleges that "the combination as claimed does not

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require the particulars of the subcombination as claimed because the combination is independently functional and deemed to be useful to expose an image formed on reticle on a substrate." Restriction Requirement, paragraph 2. Contrary to the Examiner's allegation, each of independent claims 1 and 35 belonging to Group I recites all of the particulars of independent claim 57 belonging to Group II. The alleged combination as claimed, therefore, does require the particulars of the alleged subcombination as claimed.

For at least the foregoing reason, the restriction requirement was issued improperly. Accordingly, Applicant respectfully requests that the Examiner withdraw the restriction requirement and examine all pending claims 1-72 in this application.

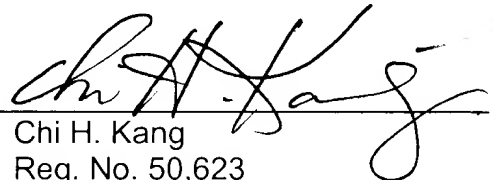
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 30, 2002

By:

  
Chi H. Kang  
Reg. No. 50,623